

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NW/Cor. York Road and Schwartz Ave.
(6340-86 York Road) * ZONING COMMISSIONER
9th Election District * OF BALTIMORE COUNTY
4th Council District

Wyanness Associates, Owners; * Case No. 02-489-X
AWS Tan 7, t/a Tan Stand, Lessees
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Wyanness Associates, by Wyanness, Inc., General Partner, through C. William Clark, Esquire. The Petitioners request a special exception for a community building (tanning salon) in a BL-CCC zone and to amend the previously approved site plan in Case No. 95-53-SPH, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners were C. William Clark, Esquire, attorney for the Petitioners; Paul Lee, Professional Engineer who prepared the site plan for this property; and, Jean K. Duvall, who appeared on behalf of the Rodgers Forge Community, Inc. Appearing as an interested person was Doug Stouffer, also a nearby resident. There were no Protestants present.

The subject property under consideration is located on the northwest corner of York Road and Schwartz Avenue, adjacent to the Baltimore County/Baltimore City Line. The property contains a gross area of 7.83 acres, more or less, zoned BL-CCC and is improved with a strip shopping center, known as the York Road Shopping Plaza. The center has a number of retail tenants, including a Giant Food store, Texaco gas station, Firestone auto tire store, and Boston Market restaurant. Within the strip center itself are a number of tenants, including a Starbucks, two

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Date

By

hair/beauty salons, dry cleaners, Radio Shack, etc. The subject of the Petition relates to a proposed tanning salon, known as the Tan Stand. As shown on the site plan, the business will occupy a 16' x 20' space, located between a hair salon and dry cleaners, and bear the address 6366 York Road. The plan also shows a small area of the existing parking lot as being designated to serve this use. In this regard, the entire shopping center is served by a large macadam paved parking area which provides 392 parking spaces.

The Tan Stand business has three other locations in the Baltimore Metropolitan Area. Generally, the salon operates 12 hours per day, from 9:00 AM to 9:00 PM. There are eight tanning booths in which individuals stand during a tanning session. Additionally, there will be a small reception area and rest room facilities. The business will offer accessory sales of tanning products, including protective eyewear, lotions, etc.

Section 230.13 of the B.C.Z.R. identifies special exception uses that are permitted in the B.L. zone. Among those uses listed therein is a community building. Community buildings include such uses as swimming pools, or other structures which are devoted to civic, social, recreational and educational activities. Tanning salons are not expressly defined in the B.C.Z.R.; however, the services provided are recreational in nature. The proposed use is consistent with other retail uses and tenants within the shopping center.

Ms. Duvall produced a letter from the Rodgers Forge Community, Inc. which expresses their support for the proposal, provided that the community building designation be limited to Tan Stand, or a similar tanning operation, only. That is, if the Tan Stand or any other future tanning salon should vacate the premises, the community building/special exception approval granted herein would lapse. This would prevent a community building use of a different nature from moving into the space without first obtaining the requisite zoning approval. Obviously, this condition is sought because of the broad definition of "community building." This condition appears appropriate in this instance.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Exception. As noted above, the use is appropriate for this center and is consistent with

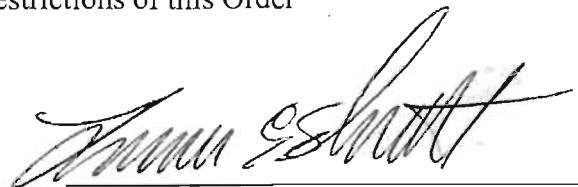
ORDER RECEIVED FOR FILING
Date 8/2/02
By [Signature]

other retail uses in the shopping center. There is no evidence in the record of this case that the use proposed would be detrimental to the health, safety, or general welfare of the locale. In my judgment, the Petition for Special Exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted, conditioned upon the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 2002 that the Petition for Special Exception for a community building (tanning salon) in a B.L.-C.C.C. zone and to amend the previously approved site plan in Case No. 95-53-SPH, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to AWS Tan 7, t/a Tan Stand, or a substantially similar tanning salon operation. In the event Tan Stand or a similar tanning salon should vacate the premises, the special exception relief granted herein shall expire.
- 3) When applying for a use permit, the site plan filed must reference this case and set forth and address the restrictions of this Order



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/2/02
By [Signature]



Baltimore County
Zoning Commissioner

August 2, 2002

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

C. William Clark, Esquire
Nolan, Plunhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner York Road and Schwartz Avenue
(6340 – 6386 York Road)
9th Election District – 4th Council District
Wyanness Assoc., by Wyanness, Inc., Owners; AWS Tan 7 t/a Tan Stand, Lessees - Petitioners
Case No. 02-489-X

Dear Mr. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Paul F. Robinson, V.P., Wyanness, Inc.
P.O. Box 5678 Lutherville, Md. 21094
AWS Tan 7 t/a Tan Stand, 7951 Starburst Drive, Baltimore, Md. 21208
Mr. Paul Lee, Century Engineering, 32 West Road, Towson, Md. 21204
Mr. Jean K. Duvall, 227 Murdock Road, Baltimore, Md. 21212
Mr. Doug Stouffer, 7104 York Road, Baltimore, Md. 21212
People's Counsel; Case File





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

York Road Plaza-6340-86 York Rd.
for the property located at

which is presently zoned BL-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A community building (Tan Stand-Tanning Salon) in a
"BL-CCC" zone and to amend the previously approved plan in Case No.
95-53 SPH.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

AWS TAN 7 T/A: Tan Stand

Name - Type or Print

Signature

7951 Starburst Drive (410) 602-2111

Address

Telephone No.

Baltimore, MD 21208

City State Zip Code

Attorney For Petitioner:

C. William Clark, Esquire

Name - Type or Print

Signature

Nolan, Plumhoff & Williams, Chtd.

Company

502 Washington Ave. Ste 700 (410) 823-7800

Address

Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Wvaness Associates

Name - Type or Print

Signature

Paul F. Rosinow, Vice President

Signature

P.O. Box 5678

Address

Telephone No.

Lutherville, MD 21094

City

State

Zip Code

Representative to be Contacted:

Paul Lee, Century Engineering

Name

32 West Road

Address

(410) 823-8070

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JRF

Date

5/3/02

ORDER RECEIVED FOR FILING
Date 5/2/02
By 3/15/98

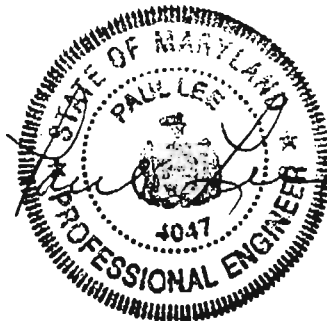
32 West Road
Towson, MD 21204

DESCRIPTION
PARCEL "A" - 3,080 S.F.±
(STORE #6366 - YORK ROAD PLAZA, 6340-86 YORK ROAD)
ELEC. DIST. 9 BALTIMORE CO., MD

BEGINNING FOR THE SAME at a point located at the intersection of the center of the existing partition wall between Store # 6368 & 6366 and the South wall of same, said point also being located Northerly 270'± along the West side of York Road from the center of Schwartz Avenue and Northwesterly 395'±; thence binding along the center of said partition wall 1) S18° 22' 50" E - 60' to intersect the rear or North wall of the existing building, thence leaving said intersection and running along said North wall of Store # 6366, 2) N71° 37' 10" W - 20' to intersect the center of the existing partition wall between stores # 6366 & # 6364, thence binding along the center of said partition wall and continuing for the same course to intersect the curb of the existing parking area, 3) S18° 22' 50" W - 73' in all, thence binding and running along said curb line, 4) N71° 37' 10" W - 5.00', thence leaving said curb line and running for the three following courses and distances, 5) S18° 22' 50" W - 60', 6) S71° 37' 10" E - 27', 7) N18° 22' 50" E - 60', to intersect the curb of the existing parking area, thence binding and running along said curb, 8) S71° 37' 10" W - 2.00', thence leaving said curb, 9) N18° 22' 50" E - 13' to meet the intersection of the center of the partition wall between stores # 6368 & # 6366 and the South wall and said point of beginning.

Containing 3,080 s.f. of land more or less and referred to as Parcel "A".

W:\fileLogin2\Land-Dev\LD02\desc\YorkRdPlaza-pl-4-8-02



489

BOUNDARY DESCRIPTION

YORK ROAD PLAZA - CASE # 95 - 53 SPH

6340-86 YORK ROAD

BEGINNING FOR THE SAME at the corner formed by the intersection of the West side of York Road with the Northeasterly side of Schwartz Avenue as widened and shown on Baltimore City Plat dated November 5, 1975 with File Reference 111-A-19, "Plat to accompany Deed for the widening of Schwartz Avenue extending from York Road Northwesterly 232.55 feet to the Northern boundary line of Baltimore City"; thence running from said point of beginning and binding along the Northeasterly side of Schwartz Avenue, referring all courses to the True Meridian as adopted for the Baltimore City Survey Control System, North 67 degrees 01 minutes 06 seconds West 163.36 feet to intersect the Northern boundary of Baltimore City; thence binding thereon Due West 51.24 feet to a point on the Northeasterly side of Schwartz Avenue, 30 feet, wide, as shown the Baltimore County, Department of Public Works Bureau of Land Acquisition Plat RW 66-324-1; thence binding along the Northeasterly side of Schwartz Avenue, North 67 degrees 01 minutes 06 seconds West 587.35 feet to intersect the second or North 24 degrees 56 minutes 00 second East 459.54 feet line of land which by Deed dated September 17, 1966 and recorded among the Land Records of Baltimore County in Liber 4678, page 270, was conveyed by His Eminence, Lawrence Cardinal Shehan, Roman Catholic Archbishop of Baltimore to Wyaness, Inc. and of which the parcel now being described is a part; thence leaving Schwartz Avenue and binding along the second and third lines of said Deed North 24 degrees 52 minutes 10 seconds East 440.12 feet and South 71 degrees 37 minutes 10 seconds East 600.00 feet to intersect the West side of York Road; thence binding thereon the following three courses and distances: 1) South 01 degrees 06 minutes 30 seconds West 433.51 feet to a point on the Northern boundary of Baltimore City 2) Due West 2.83 feet along said boundary and 3) South 00 degrees 42 minutes 15 seconds West 63.79 feet to the point of beginning; containing 324.425 square feet or 7.4478 acres more or less.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 12641

DATE 5-3-02 ACCOUNT 001-006-6150

AMOUNT \$ 550.00

RECEIVED FROM: ACROPOLIS CONSTRUCTION CO. INC.

6306 - York Rd. P1720 ITEM # 489

FOR: Sh-c. EX & Annual L TAKEN BY: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/03/2002 5/03/2002 09:11:16

REG 0302 MAIL JEVA JEE DRAWER 2

>> RECEIPT # 200446 5/03/2002 GFLH

Dept 5 528 ZONING VERIFICATION

CR NO. 012641

Recpt Tot \$550.00

550.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-489-X

6366 York Road (6340-86 York Road)

NW/corner of Schwartz Avenue & York Road
9th Election District

4th Councilmanic District

Legal Owner(s): Wyness Associates, Paul L. Robinson

Contract Purchaser: AWS

TAN 7 1/2 Tan Stand

Special Exception: for a community building and to amend the previously approved plan in case no 95-53-SPH.

Hearing: Tuesday, July 9, 2002 at 2:00 p.m. in Room 105, Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/G/801 June 25 C546919

CERTIFICATE OF PUBLICATION

6/27/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/25/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

25
7/9

RE: Case No.: 02-489-X
 Petitioner/Developer: WYANESS ASSOC., ACROPOLIS, BTAL
% PAUL LEE

Date of Hearing/Closing: 7/9/02

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

it's Fax Note	7671	Date	# of pages
To	ROBIN/BETTY	From	O'KEEFE
Co./Dept.	ZONING COMM.	Co.	
Phone #	301 4386	Phone #	
Fax #	887-3468 ✓	Fax #	

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 6366 YORK RD (W/S) @
SHWARTZ AVE.

The sign(s) were posted on

6/20/02
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe
 (Signature of Sign Poster and Date) 7/2/02

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



02-489-X

7/9

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-489 X

Petitioner: WYANESS ASSOCIATES

Address or Location: 6366 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ACROPOLIS CONSTRUCTION Co., INC.

Address: 2900 HAMPDEN AVE
BALTIMORE, MD 21211

Telephone Number: (410) 235-3177

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 25, 2002 Issue – Jeffersonian

Please forward billing to:

Acropolis Construction Co Inc
2900 Hampden Avenue
Baltimore MD 21211

410 235-3177

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-489-X

6366 York Road (6340-86 York Road)

NW/corner of Schwartz Avenue & York Road

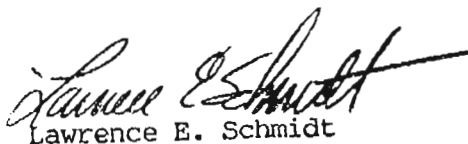
9th Election District – 4th Councilmanic District

Legal Owner: Wyaness Associates, Paul L Robinson

Contract Purchaser: AWS TAN 7/ t/a Tan Stand

Special Exception for a community building and to amend the previously approved plan in case no 95-53-SPH.

HEARING: Tuesday, July 9, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 24, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-489-X
6366 York Road (6340-86 York Road)
NW/corner of Schwartz Avenue & York Road
9th Election District – 4th Councilmanic District
Legal Owner: Wyaness Associates, Paul L Robinson
Contract Purchaser: AWS TAN 7/ t/a Tan Stand

Special Exception for a community building and to amend the previously approved plan in case no 95-53-SPH.

HEARING: Tuesday, July 9, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

Arnold Jablon
Director GDL

C: C. William Clark Esquire, Nolan Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson 21204
Wyanness Associates, Paul F Robinson, P O Box 5678, Lutherville 21094
Aws Tan 7 t/a Tan Stand, Alan W Sherf, 7951 Starburst Drive, Baltimore 21208
Paul Lee, Century Engineering, 32 West Road, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 24, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 5, 2002

C. William Clark, Esquire
Nolan, Plurnhoff & Williams, Chtd.
502 Washington Avenue
Suite 700
Towson, MD 21204

Dear Mr. Clark:

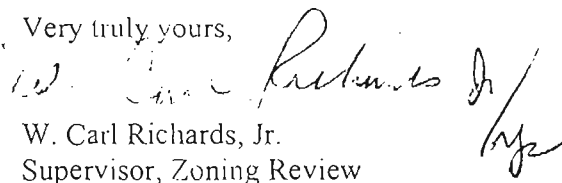
RE: Case Number:02-489 -X, 6340-86,6366" York Road Plaza, York Road-

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 3, 2002. .

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: Wyness Associates, Paul F. Robinson, P.O. Box 5678, Lutherville 21094
Aws Tan 7 t/a Tan Stand, Alan W. Sherf, 7951 Starburst Drive Baltimore, MD 21208
Paul Lee, Century Engineering, 32 West Road, Towson, MD 21204
People's Counsel

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 15, 2002

ATTENTION: George Zahner

RE: AWS TAN 7/ T/A TAN STAND

Location: DISTRIBUTION MEETING OF May 20, 2002

Item No.: 489

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

45
7/9

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 2, 2002

FROM: *[Signature]* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 28, 2002
Item Nos. 488, 489, 490, 496, 497,
498, 499, and 500

7/9/02

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.14.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 483

JRF

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

RE: PETITION FOR SPECIAL EXCEPTION
6366 York Road (6340-86 York Road), NW Cor
Schwartz Ave & York Rd
9th Election District, 4th Councilmanic

Legal Owner: Wyaness associates
Contract Purchaser: AWS Tan 7, t/a Tan Stand
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-489-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to C. William Clark, Esq., Nolan, Plumbhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

July 6, 2002

*To Whom It May Concern: Re: Case 02-489X
T/A Tan Stand
6366 York Road*

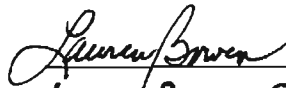
This is to certify that Jean K Duvall or the Bearer of this letter is authorized to speak on behalf of the Rodgers Forge Community Association regarding the above referenced item.

We will not oppose Tan Stand at the above location as long as it operates strictly as a tanning salon and the special exception be limited to Tan Stand. We do, however, request that should they (Tan Stand) vacate the premises that the zoning will revert to the present zoning. Our community in case 94-412X Item #396 made a similar request.

We sincerely hope that you consider our recommendation.



*Melissa Tillman, President
Rodgers Forge Community Asso.*



Lauren Bowen, Secretary

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JEAN K. DUNN

Rogers Forge
227 MURDOCK Rd

PAUL LEE
William Clark

32 WEST RD 21204
502 WASHINGTON AVE TOWSON 21204



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

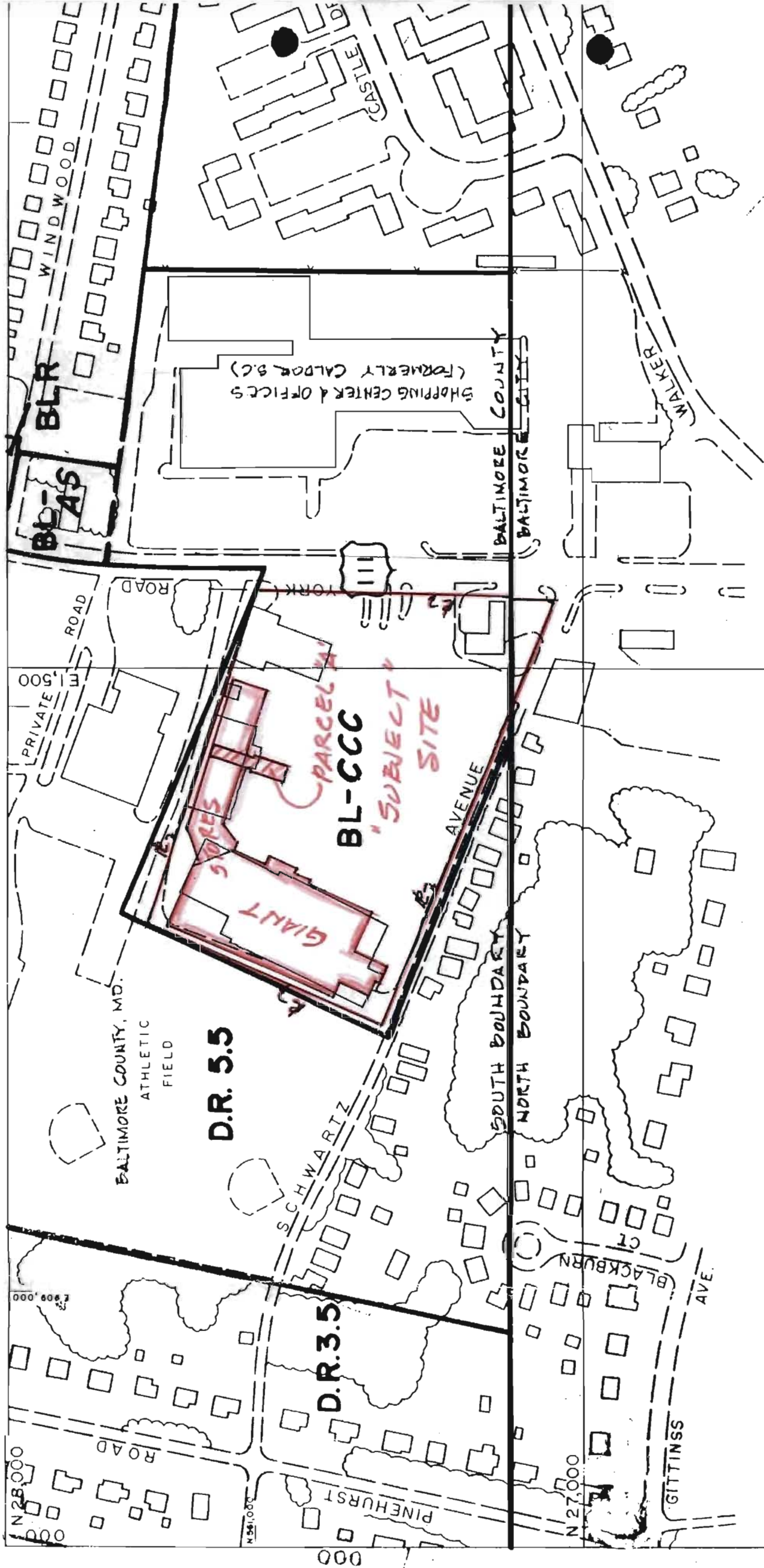
NAME

Doug Stauffer

ADDRESS

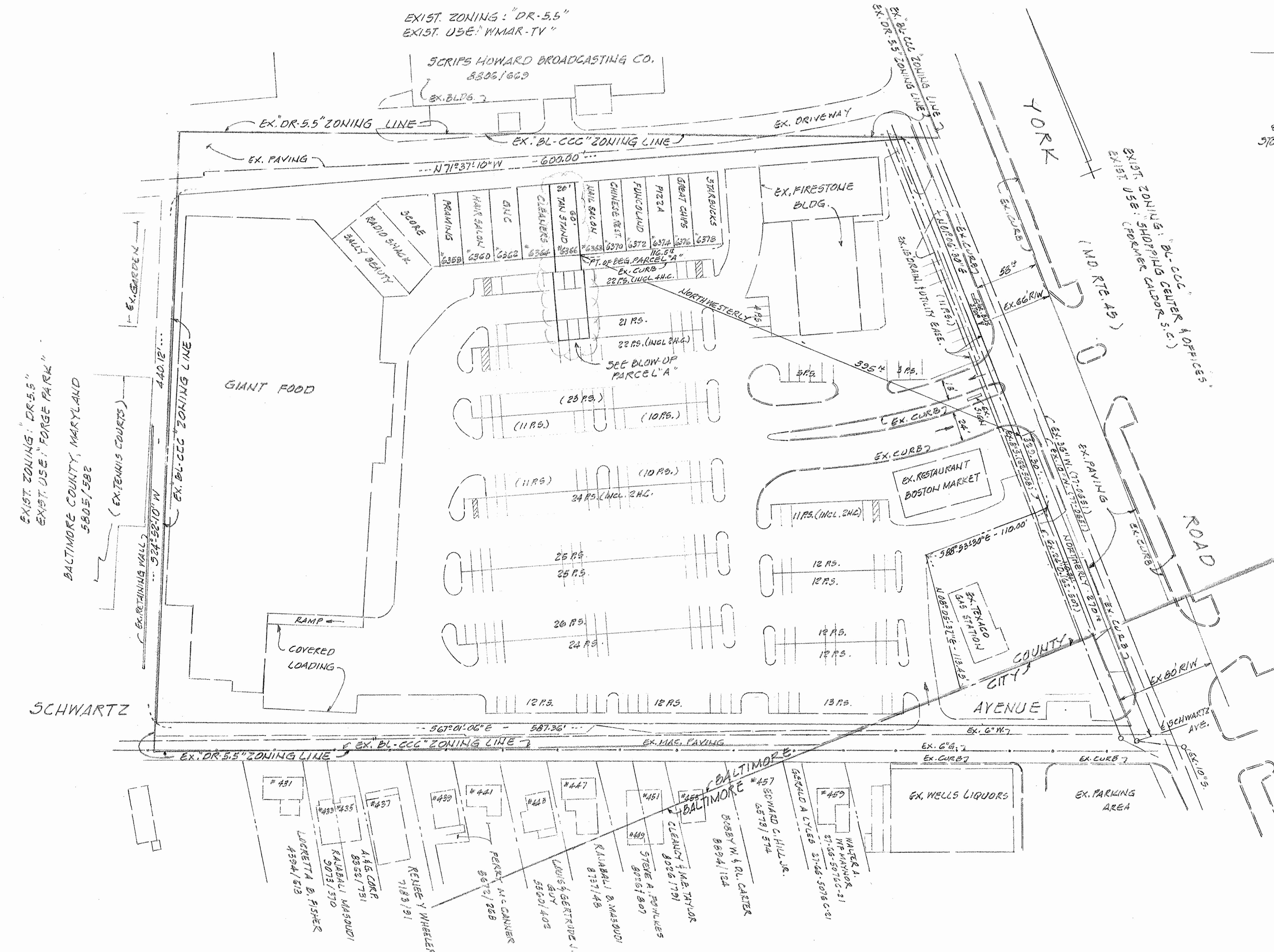
7104 York Rd.
Baltimore, Md. 21212





BALTO. COUNTY ZONING MAP "UE7A"
SCALE: 1"=200'

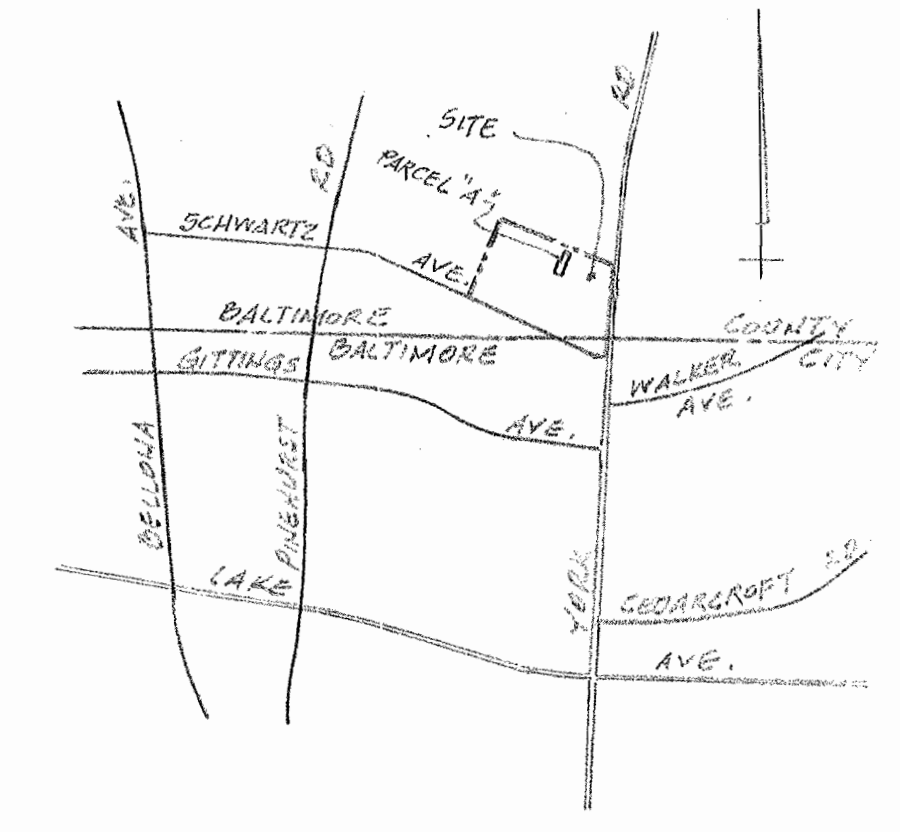
489



PLAN SCALE: 1" = 50'

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION
YORK ROAD PLAZA - 6340-86 YORK RD.
PARCEL "A" - STORE # 6366

ELECT. DIST. 3C4 BALTIMORE COUNTY, MD.
SCALE: AS SHOWN APRIL 10, 2008



SCALE: 1" = 1000'

- GENERAL NOTES:
1. AREA OF PROPERTY = 7.23 AC, NET (BALTO. CO. 7.03 AC., BALTO. CITY = 0.20 AC.), 7.63 AC. ± GROSS
 2. EXISTING ZONING OF PROPERTY = "BL-COC"
 3. EXISTING USE OF PROPERTY = YORK ROAD PLAZA SHOPPING CENTER
 4. PROPOSED ZONING OF PROPERTY = "BL-COC" W/SPECIAL EXCEPTION FOR PARCEL "A"
 5. PROPOSED USE OF PROPERTY = "SHOPPING CENTER"
 6. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR PARCEL "A" (3,080 S.F. ± - STORE # 6366) TO PERMIT A "TAN STAND" (TANNING SALON) IN A "BL-COC" ZONE & TO AMEND THE PREVIOUSLY APPROVED PLAN IN CASE # 99-59 SPH.
 7. REQUIRED OFF-STREET PARKING: EXISTING SHOPPING CENTER (93,538 S.F.)

A. EXISTING RETAIL	75,000 S.F. @ 5 ps/1000 =	375
EXISTING SERVICE GARAGE	9,524 S.F. @ 3.3/1000 =	31.43
EXISTING OFFICE 2ND FLOOR	4,714 S.F. @ 1/500 =	9.43
EXISTING RESTAURANT	4,300 S.F. @ 16/1000 =	68.8
		484.66 (485 P.S.)
 8. NO. OF PARKING SPACES SHOWN 391 (INCL. 12 BAYS)
 9. (PARKING VARIANCE GRANTED ALONG WITH VARIOUS SETBACK VARIANCES BY DEVELOPMENT PLAN HEARING OFFICER'S HEARING. IX-597 AND SPECIAL HEARING 93-198 [2-24-93]).
 10. PERMITTED F.A.R. = 4 = 4(7.03) (43,560) = 1,224,107 S.F.
 11. ACTUAL F.A.R. = 93,538/1,224,907 = 0.076 < 4
 12. PUBLIC UTILITIES EXISTING TO SITE
 13. ZONING HISTORY OF PROPERTY:
 - A. CASE # 66-105 RXA - ZONING CHANGE FROM R-4 TO BL WITH SPECIAL EXCEPTION FOR AUTOMOBILE SERVICE GARAGE AND A SEPARATE SPECIAL EXCEPTION FOR A FILLING STATION (GRANTED 12-3-65)
 - B. DEVELOPMENT PLAN HEARING OFFICER'S HEARING IX-597 AND SPECIAL HEARING 93-198 SPHA WAS HELD ON 2-10-93 WITH THE FOLLOWING ORDER:

1. THEREFORE, IT IS ORDERED BY THE HEARING OFFICER/DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 24TH DAY OF FEBRUARY, 1993 THAT THE DEVELOPMENT PLAN FOR YORK ROAD PLAZA FOR THE PROPOSED IMPROVEMENTS AS SET FORTH ON DEVELOPER'S EXHIBIT 1, BE AND IS HEREBY APPROVED; AND,

IT IS FURTHER ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE A MODIFICATION OF THE SITE PLAN PREVIOUSLY APPROVED IN CASE NO. 66-105-RXA, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, BE AND IS HEREBY GRANTED; AND,

IT IS FURTHER ORDERED THAT THE PETITION FOR ZONING VARIANCE REQUESTING RELIEF FROM SECTION 232.3.B OF THE B.C.Z.R. TO PERMIT A REAR YARD SETBACK OF 0 FEET IN LIEU OF THE MINIMUM REQUIRED 20 FEET; FROM SECTION 409.8.A.2 OF THE B.C.Z.R. TO PERMIT 392 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 490 SPACES WHEN INDIVIDUAL USES ARE CALCULATED SEPARATELY, INCLUDING A RESTAURANT WITH A MINIMUM AREA OF 5,000 SQ. FT.; AND FROM SECTION 413.2.E OF THE B.C.Z.R. TO PERMIT AN IDENTIFICATION SIGN FOR A SHOPPING CENTER WITH A TOTAL BACKGROUND AREA OF 256 SQ. FT. PER FACE AND AN ACTUAL SIGN MESSAGE AREA OF 107 SQ. FT. PER FACE, IN LIEU OF THE MAXIMUM PERMITTED 150 SQ. FT. PER FACE, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, BE AND IS HEREBY GRANTED; AND,

IT IS FURTHER ORDERED THAT THE PETITION FOR SPECIAL HEARING TO DETERMINE THAT YORK ROAD PLAZA SHOULD BE TREATED AS A SHOPPING CENTER CONSISTING OF 100,000 SQ. FT. OR GREATER AS TO THE PARKING REQUIREMENTS OF SECTION 409.8.A.2 OF THE B.C.Z.R. BE AND IS HEREBY DENIED; AND,

IT IS FURTHER ORDERED THAT THE PETITION FOR ZONING VARIANCE REQUESTING RELIEF FROM SECTION 409.8.A.2 OF THE B.C.Z.R. TO PERMIT 392 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 415 SPACES FOR A SHOPPING CENTER OF 100,000 SQ. FT. OR MORE, BE AND IS HEREBY DENIED AS MOOT. ANY APPEAL OF THIS DECISION MUST BE TAKEN IN ACCORDANCE WITH SECTION 26-209 OF THE BALTIMORE COUNTY CODE.

2. THE DEVELOPER WILL DEPOSIT \$ 15,000 WITH BALTIMORE COUNTY FOR A PERIOD OF SIX YEARS TO ASSIST THE COUNTY IN MAKING POSSIBLE IMPROVEMENTS TO SCHWARTZ AVENUE, IF REQUESTED BY SCHWARTZ AVENUE COMMUNITY. IF IMPROVEMENTS ARE NOT MADE WITHIN THE SIX YEAR PERIOD, THE MONEY SHALL BE RETURNED TO THE DEVELOPER.

3. DEVELOPER WILL BE RESPONSIBLE FOR THE COST OF THE IMPROVEMENTS TO YORK ROAD WHICH ARE REQUIRED AS A RESULT OF ADDITIONAL DEVELOPMENT WITHIN YORK ROAD PLAZA.

C. CASE # 95-53-SPH - SPECIAL HEARING TO AMEND CASES 66-105 RXA AND 93-198 SPHA TO MODIFY THE APPROVED SITE PLAN TO THE EXTENT OF ANY CONFLICT WITH THE ATTACHED SITE PLAN FOR THE PLAZA WHICH INCLUDES REINSTATING THE SERVICE GARAGE IN THE LOCATION APPROVED IN CASE NO. 66-105 RXA, AND TO AMEND THE APPROVED DEVELOPMENT PLAN IX-597 TO REFLECT THE 1ST AMENDED DEVELOPMENT PLAN (GRANTED 10-4-95).



Petitioner
No 1 489

ENGINEER: CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070